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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,686	12/30/1999	GEOFFREY B. RHOADS	60081	8157
23735	7590	05/31/2006		
DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008			EXAMINER SONG, HOSUK	
			ART UNIT 2135	PAPER NUMBER

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/476,686	RHOADS ET AL.	
	Examiner	Art Unit	
	HOSUK SONG	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7,11-17,25-38,40-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7,11-17,25-38 and 40-50 is/are rejected.
- 7) ☒ Claim(s) 8,18 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 5-7,11-17,25-34,36-38,40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Min-Jae(US 6,222,807).

Claims 5,15: Min-Jae discloses receiving audio at a device in (fig.1). Min-Jae discloses discerning from the audio a plural-bit audio ID in (col.20,lines 23-37). Min-Jae discloses obtaining a user ID from a memory in the device in (col.23,lines 19-30). Min-Jae disclose transmitting at least portions of both the audio ID and the user ID to a location remote from the device in (col.12,lines 54-66).

Claims 6,16: Min-Jae discloses audio ID comprises Digital Object Identifier in (fig.7 and col.20,lines 23-36).

Claims 7,17: Min-Jae discloses receiving the audio by a microphone in (col.16,lines 5-11).

Claim 25: Min-Jae disclose responsive to transmission,receiving data from the remote location, the received data relating to audio and presenting at least some of the received audio on a display in (col.13,lines 28-44).

Claim 26: Min-Jae discloses received data includes data representing a song title, and the method includes presenting song title on the display in (fig.7).

Claim 11: Min-Jae discloses transducer to receive ambient audio and to output electrical signals corresponding thereto to the input of a processing system operable to detect an identifier of the ambient audio from the electrical signals in (fig.1 and col.20,lines 23-37). Min-Jae disclose a memory storing user

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identification information and an interface coupled to an output of the processing system for receiving the identifier and coupled to the memory for receiving at least some of the user identification for transmission to a relay station in (col.12,lines 54-66).

Claim 12: Min-Jae discloses interface is a wireless interface in (col.12,lines 49-53).

Claim 13: Min-Jae discloses alphanumeric display in (col.13,lines 33-35).

Claim 14: Min-jae discloses keypad in (fig.3).

Claims 27,28: Min-Jae disclose transferring electronic signals corresponding to the received ambient music to a processor and using an identifier to obtain information from a database the information relating to the music in (col.20,lines 23-37 and fig.10). Min-Jae disclose presenting at least textual information to a user about the ambient music, presented information being based at least in part on information obtained from the database in (col.12,lines 64-67;col.13,lines 28-43). Min-Jae discloses receiving the audio by microphone in (col.16,lines 5-11).

Claim 29: Min-Jae discloses textual information presented to the user specifies the artist and title of the ambient music in (fig.7 and col.20,lines12-22).

Claim 30: Min-Jae discloses electronically sending the music, or data related to destination device in (fig.1,2).

Claim 31: Min-Jae discloses destination device is distinct from the user device in (col.17,lines 51-57).

Claim 32: Min-Jae discloses textual information identifies packaged media on which the music is available in (fig.7 and col.).

Claim 33: Min-Jae discloses user device includes a display and the textual information is presented to the user on display in (col.13,lines 28-43).

Claim 34: Min-Jae disclose pressing button on the user device in (fig.3).

Claim 36: Min-jae disclose portable device in (fig.2 and col.17,lines 51-57).

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Claim 37: Min-Jae disclose device UID and text presented to the user is dependent at least in part transmitted user/device data in (col.23,lines 31-35).

Claim 38: Min-Jae disclose wireless transmit and receive capabilities in (col.12,lines 49-53).

Claims 40-42: Min-Jae disclose user one or more internet links determined by reference to the identifier to correspond to ambient audio in (col.12,lines 49-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Min-Jae(US 6,222,807) in view of Looney et al.(US 5,969,283).

Claim 35: Min-jae does not specifically disclose voice recognition. Looney discloses voice recognition in (fig.3#190). It would have been obvious to person of ordinary skill in the art to include voice recognition as taught in Looney with audio system of Min-Jae in order for user to conveniently perform data processing without using a keyboard.

3. Claim 43-50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Min-Jae(US 6,222,807).

Claims 43- 44: Min-Jae does not specifically disclose the identifier is extracted from a digital watermark embedded in the electrical signals corresponding to the ambient audio. It would have been obvious to person of ordinary skill in the art to modify the invention of Min-Jae to employ digital watermark in order to deter and data modification and protect the ownership of its content.

Claim 45: Min-Jae discloses the interface is a wireless interface in (col.12,lines 49-53).

Claim 46: Min-Jae discloses alphanumeric display in (col.13,lines 33-35).

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Claims 47-48: Min-Jae discloses keypad in (fig.3).

Claim 49: Min-Jae discloses received data includes data representing a song title, wherein the device permits identification of a song sensed by the transducer in (col.12,lines 54-67).

Claim 50: Min-Jae discloses identifier comprises a Digital Object Identifier in (fig.7 and col.20,lines 23-36).

Allowable Subject Matter


4. Claims 8,18,39 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

USPTO Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HOSUK SONG
PRIMARY EXAMINER